COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC INSTRUCTION

HARRISBURG

A COMPILATION

OF THE

Laws Relating to The State Board of Pharmacy, Pharmacists, Pharmacies, and Pharmaceutical Products

BULLETIN 617

1954

Compiled by the

LEGISLATIVE REFERENCE BUREAU

for the

STATE BOARD OF PHARMACY

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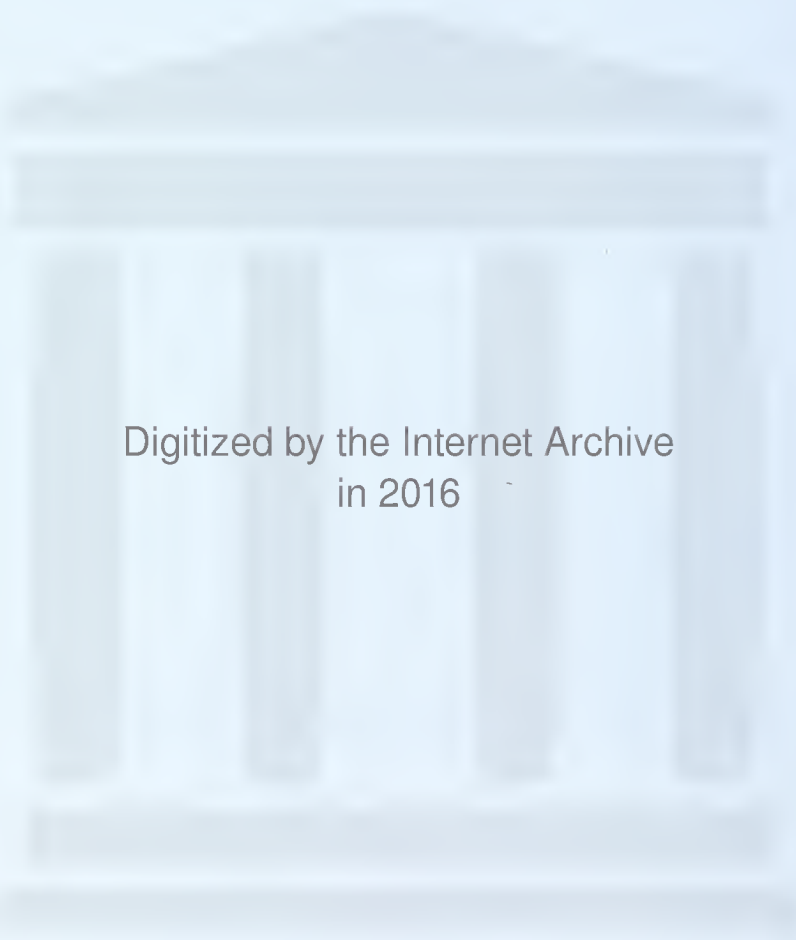

INTRODUCTORY NOTE

The scope of the following compilation is limited to laws dealing with the practice of pharmacy, the conduct of pharmacies, and the laws relating to the manufacture and sale of pharmaceutical products. It does not include laws that may concern other business transacted in the modern drug store.

While this publication is a revision of a similar compilation made in 1946, the material has been rearranged into four parts, separating the part of the law administered by the Department of Public Instruction and the State Board of Pharmacy from those administered by the Department of Health and by the Department of Agriculture, as well as a few miscellaneous provisions, with the enforcement of which, no specific agency of the State Government is charged.

S. Edward Hannestad, *Director*
Legislative Reference Bureau

October 31, 1953

CONTENTS

PART ONE

LAWS ADMINISTERED BY DEPARTMENT OF PUBLIC INSTRUCTION AND STATE BOARD OF PHARMACY

I. General Powers and Duties

II. Pharmacists and Assistant Pharmacists

III. Pharmacies

IV. Sale of Poisons

V. Manufacture of Drugs and Medical Supplies

VI. Adulterated or Misbranded Drugs

PART TWO

LAWS ADMINISTERED BY DEPARTMENT OF HEALTH

I. Narcotics

PART FOUR

MISCELLANEOUS LAWS

I. Caustic Acids and Alkalies

II. Products Containing Methyl or Wood Alcohol

III. Ethyl Alcohol

IV. Distribution of Samples

V. Prohibited Sales

VI. Prohibited Advertising

A COMPILATION OF THE LAWS RELATING TO PHARMACY

PART ONE

LAWS ADMINISTERED BY DEPARTMENT OF PUBLIC INSTRUCTION AND STATE BOARD OF PHARMACY[1]

I. General Powers and Duties

1. Department of Public Instruction.—The Department of Public Instruction shall have the power, and its duty shall be:

(a) To determine, value, standardize, and regulate the preliminary education, both secondary and collegiate, of those to be hereafter licensed to practice any profession or work at any trade or occupation in this Commonwealth for which licenses are issued by the Department of Public Instruction, or any other department of the Commonwealth, but this provision shall not affect educational requirements as now provided by law for any profession, trade, or occupation.

(b) To prepare and distribute circulars of information;

(c) To prepare uniform blank forms;

(d) To hold examinations in secondary school subjects at suitable times and places to be designated by the Superintendent of Public Instruction, for the determination of the fitness of applicants unable to present satisfactory certificates, and to issue certificates to those found proficient;

(e) To establish reciprocity with other states as regards preliminary education and professional licenses;

(f) To determine and publish a standard high school course, to compile and cause to be published, from time to time, a list of elementary and secondary schools in this State, which conform to the official standards promulgated by the department, and take such steps as may be appropriate to raise the standard of elementary and secondary education: Provided, That nothing in this section shall be construed to conflict with the provisions of the statutes of this Commonwealth regulating the right to practice any profession or to work at any trade or occupation for which licenses are issued by the Department of Public Instruction.

(g) To keep the records of all of the professional examining boards established in the city of Harrisburg, Dauphin County, Pennsylvania.

[1] The State Board of Pharmacy is one of the professional examining boards within the Department of Public Instruction.

(h) To issue all certificates and other official documents of the various professional examining boards in the department: Provided, however, That the officers and members, or any of them, of any such examining board, may also sign such certificates and other documents, if such board shall have taken action authorizing such signatures;

(i) To assist any professional examining board within the department, if, as and when requested by such board;

(j) To cooperate with the several professions whose examining bodies are within the department, in the determination and establishment of standards of professional education.

* * *

(l) Unless otherwise provided by law, to fix the fees to be charged by the several professional examining boards within the department.

(Part of Sec. 1304, Act of Apr. 9, 1929, P. L. 177, last amended May 23, 1947, P. L. 304.)

2. State Board of Pharmacy.–The professional examining boards within the Department of Public Instruction shall, respectively, exercise the rights and powers, and perform the duties by law vested in and imposed upon them: Provided, however, That all certificates and official documents of such examining boards shall be issued by the Department of Public Instruction, but may be signed by the members of the appropriate board, or any of them, as determined by such board.

Subject to the preceding provisions of this section, and to any other inconsistent provisions in this act contained:

* * *

The State Board of Pharmacy shall continue to exercise the powers and perform the duties by law vested in and imposed upon said board.

* * *

(Part of Sec. 1310, Act of Apr. 9, 1929, P. L. 177.)

Note: This section vests in the State Board of Pharmacy the powers and duties vested by existing law in the Pennsylvania Board of Pharmacy.

3. Certificate, License, Permit, or Registration Obtained by Fraud.– If any person, association, copartnership or corporation shall obtain a certificate, license, permit, or registration, by fraud or misrepresentation, from the Department of Public Instruction or the responsible administrative agency, board or commission therein, such department, administrative agency, board or commission shall have the power to cancel such certificate, license, permit, or registration, after giving reasonable notice and opportunity to be heard.

The provisions of this act shall be construed as supplementary to all other acts dealing with the same subject matter. No action

brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action otherwise provided by law for violation of any licensing act or rule or regulation promulgated thereunder. (Sec. 1304.1, Act of Apr. 9, 1929, P. L. 177, added May 2, 1949, P. L. 811.)

4. Fraudulent Credentials, etc., Penal Provisions.—Whoever, (a) for the purpose of misrepresenting his qualifications to the Department of Public Instruction or any professional examining board within said department, buys, sells, or fraudulently or illegally makes or alters, gives, issues or obtains any literary, scientific, professional, or other degree, or constitutes any license, or certifies to the completion in whole or in part of any course of study in any university, college, high school, academy or other educational institution; or (b) personates or attempts to offer to personate another person in taking, or attempting, or offering to take any examination held in accordance with the rules of the Department of Public Instruction or of any of the professional examining boards within said department; or (c) takes, or attempts, or offers to take such an examination in the name of any other person; or (d) procures any other person falsely to take, or attempt, or offer to take any examination in his name; or (e) has in his possession question papers to be used in any such examination when not contained in their sealed wrappers, or copies of such papers or questions at any time prior to the dates set for such examination unless duly authorized by the Department of Public Instruction or agents thereof; or (f) sells or offers to sell question papers or any questions prepared for use in any examination held in accordance with the rules of the Department of Public Instruction or any professional examining board within said department; or (g) uses in any such examination any question papers or questions, or secures or prepares the answers to such questions, prior to the time set for the examination; or (h) transmits to the Department of Public Instruction answers to questions used in any such examination which are prepared or written outside of the period of examination, or alters any such answer after such period is closed; or (i) secures or attempts to secure any credential, regularly issued by the Department of Public Instruction or any professional examining board within said department, which is based upon such examinations or based upon a course or courses of study in any institution of learning or educational institution approved by the Department of Public Instruction which he has not actually passed or completed, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced for a first offense by a fine of not more than fifty dollars ($50), or imprisonment for not more than thirty (30) days, or both, and for a second or subsequent offense, by a fine of not more than two hundred and fifty dollars ($250), or imprisonment for not more than six (6) months, or both. (Sec. 698, Act of June 24, 1939, P. L. 872.)

5. Falsification In Matters Within Jurisdiction Of State Agencies.—Whoever, in any matter within the jurisdiction of any department, board, commission or agency of the Commonwealth of Pennsylvania, knowingly and willfully falsifies, conceals or covers up, by any trick, scheme or device, a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document, knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred dollars ($300) or undergo imprisonment not exceeding one (1) year, or both. (Sec. 328, Act of June 24, 1939, P. L. 872, added September 26, 1951, P. L. 1535.)

II. Pharmacists and Assistant Pharmacists

6. Definitions.—(a) The term "pharmacy," when not otherwise limited, shall, for all the purposes of this act, be taken to mean a retail drug store, or any place where drugs, medicine, or poisons are compounded, dispensed, prepared, or sold at retail; (b) the term "drug," as used in this act, shall include * * * all medicine and preparations recognized in the United States Pharmacopoeia, the National Formulary, or the American Homeopathic Pharmacopoeia, for internal and external use, and any other substance, or mixture of substances, intended to be used for the cure, mitigation, or prevention of disease of either man or other animals; (c) the term "pharmacist" shall, for all purposes of this act, be deemed to mean a person who is properly registered in accordance with this act of Assembly, as a pharmacist: Provided, however, That all persons registered as pharmacists by the State Pharmaceutical Examining Board of Pennsylvania, under the act of May twenty-fourth, one thousand eight hundred and eighty-seven, and various supplements and amendments, entitled "An act to regulate the practice of pharmacy and sale of poisons, and to prevent adulterations in drugs and medicinal preparations, in the State of Pennsylvania," shall be deemed to be pharmacists registered under this act. (d) The term "prescription" shall mean an order for drugs or medicines or combinations or mixtures thereof written or signed by a duly licensed physician, dentist, veterinarian, or other medical practitioner licensed to write prescriptions intended for the treatment or prevention of disease in man or animals. (Sec. 1, Act of May 17, 1917, P. L. 208, last amended Jan. 14, 1952, P. L. 1885.)

Note: In addition to pharmacists registered under the Act of May 24, 1887, P. L. 189, registrations were also provided for by the Acts of May 4, 1889, P. L. 80; June 9, 1911, P. L. 727; May 23, 1913, P. L. 344. The names of all pharmacists who were entitled to practice prior to the passage of this act should appear upon the books of registration in the possession of the State Pharmaceutical Examining Board which is now the State Board of Pharmacy.

7. Retail Sale of Drugs, etc., Regulated. Penalties.—Hereafter it shall be unlawful to sell drugs, medicines, or poisons at retail, or to compound physicians' prescriptions, or to conduct a pharmacy, unless

the person so doing shall be a pharmacist or assistant pharmacist, or to practice as a pharmacist or assistant pharmacist, except in compliance with the provisions of the various laws of the Commonwealth relating thereto: Provided, however, That nothing in this act of Assembly shall be so construed as to interfere with students of pharmacy, or other employes in a pharmacy, from performing such duties as may be assigned to them by and under the supervision of a pharmacist or assistant pharmacist: And provided further, That the compounding of physicians' prescriptions, or the dispensing and selling of poisons at retail, shall not be permitted except under the strict supervision and in the presence of a pharmacist or assistant pharmacist.

Nothing in this act of Assembly shall be construed to prevent a duly licensed physician, dentist, veterinarian or other medical practitioner from practicing, dispensing, compounding or giving any medicine or poisons to his patients in the regular course of his practice: Provided, That such compounding, preparing and dispensing be done by such licensee himself: And providing further, That such drugs so administered or dispensed shall conform to the standards of strength, quality, and purity as fixed by the laws of this Commonwealth; nor prevent the sale or manufacture of proprietary medicines; nor prevent storekeepers from dealing in and selling commonly used household drugs or proprietary medicines when the same are offered for sale or sold in original packages, except when administered in single doses on the premises, which have been put up ready for sale to consumers by pharmacists, manufacturing pharmacists, manufacturers of proprietary medicines, wholesale grocers, or wholesale druggists under qualified supervision: Provided, however, That the proprietary medicines or household drugs sold or offered for sale shall not contain any opium, coca leaves, chloral, or any of the salts derivatives or compounds thereof in any quantity whatsoever: Provided, also, That remedial agencies that are administered hypodermically, intramuscularly or intravenously, and all medicinal substances containing barbituric acid or its compounds, and biologicals (except those biologicals distributed to State and county health officers), and medicines containing substances of glandular origin (except intestinal enzymes and all liver products), shall be sold only by registered pharmacists or assistant pharmacists employed by or conducting a registered pharmacy. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than fifty dollars ($50.00) or more than five hundred dollars ($500.00), or imprisonment for not more than one year, or either or both, in the discretion of the court. (Sec. 13, Act of May 17, 1917, P. L. 208, last amended Jan. 14, 1952, P. L. 1885.)

8. Examination and Registration; Certificates; Meetings of Board.— The State Board of Pharmacy shall meet not less than quarterly for the transaction of routine business and at least once in every six months, and examine all persons in the science of pharmacy and its

allied branches who shall make application for registration as pharmacists; and that the said State Board of Pharmacy, or a majority of them, shall grant to such persons as may be qualified registration and certificates of competency and qualification, which shall entitle the holders thereof to all the privileges of a pharmacist under the provisions of this act, as may be specified therein.

The examination shall consist of two parts: The first part shall consist of the theoretical examination which shall be given to all applicants, and the second part shall consist of a practical examination which shall be given to all applicants who have successfully passed the theoretical examination. (Sec. 3, Act of May 17, 1917, P. L. 208, last amended Jan. 14, 1952, P. L. 1885.)

Note: Licenses are now issued by the Department of Public Instruction. See secs. 1 (h) and 2 supra.

9. Qualifications of Applicants.—Every person applying to the Pennsylvania Board of Pharmacy for examination and registration as a pharmacist shall be not less than twenty-one years of age[1] and of good moral character; and be a graduate in pharmacy of some reputable and properly chartered college of pharmacy, so recognized by the State Board of Pharmacy; and must produce satisfactory evidence of having had, subsequent to entering such college of pharmacy, practical experience in the business of retailing, compounding, or dispensing of drugs, chemicals, and poisons, and of compounding of physicians' prescriptions under the personal supervision of a registered pharmacist, one year of which practical experience must have been acquired within the United States.

The practical experience required of each applicant for examination and registration shall depend on the length of the course the applicant took in the college of pharmacy, of which he is a graduate in pharmacy, as follows:

(a) If a two years college course in pharmacy; then four years of practical experience.

(b) If a three years college course in pharmacy; then two years of practical experience.

(c) If a four years college course in pharmacy; then one year of practical experience. This practical experience shall total fifty-two (52) weeks of forty (40) hours per week or a total of two thousand and eighty (2,080) hours. Maximum credit of thirteen (13) weeks of forty (40) hours per week will be allowed during the three summer vacations.

Under subdivision (a) of this section credit, on the years of practical experience required, shall be given equal to the actual time of attendance in the college of pharmacy.

Credit for practical experience may be given for experience acquired in the drug dispensary of a regular public hospital which is conducted under the constant supervision of a registered pharmacist.

[1] Now persons over twenty years of age who are citizens of the United States by Act of May 26, 1943, P. L. 607, last amended by Act of May 2, 1949, P. L. 866.

In lieu of the above requirements of this section relative to the qualifications of applicants for examination and registration as pharmacists, any person who has been actively engaged for ten years or longer as a registered assistant pharmacist shall be qualified and entitled to take the examination for pharmacist, and upon satisfactorily passing such examination and payment of the prescribed fees shall be duly registered as a pharmacist. (Sec. 4, Act of May 17, 1917, P. L. 208, last amended, Jan. 14, 1952, P. L. 1885.)

10. Fees.—Each applicant for examination and registration as a pharmacist shall pay to the State Board of Pharmacy an examination fee of five dollars ($5.00). In case of failure at a first examination, the applicant shall have, within two years, the privileges of a second and third examination. In case of failure in a third examination, the applicant shall have the privileges of examination only after satisfactorily completing an additional year of preparation approved by the board. If the said applicant passes a satisfactory examination and complies with the rules and regulations, and with the terms and conditions of this act of Assembly, then the said board shall grant the applicant registration, and a certificate of competency and qualification as a pharmacist, upon the payment of a fee of twenty dollars ($20.00), or such other sum as shall be fixed by the Department of Public Instruction under authority of law; provided said fee shall be paid to the said board within thirty days of the time that the said applicant is notified that a satisfactory examination has been passed.

The Department of Public Instruction shall provide for, regulate, and require all persons registered as pharmacists or as assistant pharmacists to register annually with the department, and shall prescribe the form of such registrations. The department shall require, as a condition precedent to such annual registration, the payment of such annual registration fee as shall be fixed according to law. The department may suspend or revoke the registration of such persons as fail, refuse, or neglect to register annually or pay such fee. (Sec. 5, Act of May 17, 1917, P. L. 208, last amended May 11, 1949, P. L. 1180.)

11. Apprentices; Registration Required; Fees.—On and after the approval of this act every person who shall enter a reputable and properly chartered college of pharmacy with the intention of becoming a pharmacist shall make application to the State Board of Pharmacy on a form furnished by it for registration and certificate as registered apprentice. The fee for such registration and certificate shall be two dollars ($2.00), or such other sum as may be fixed by the Department of Public Instruction, under authority of law. (Sec. 1, Act of Apr. 27, 1925, P. L. 299, amended May 11, 1949, P. L. 1934.)

12. Duty of Employer.—It shall be the duty of any registered pharmacist or other employer who takes into his or its employ an apprentice for the purpose of becoming a pharmacist or assistant pharmacist, to require such person to apply to the State Board of Pharmacy for registration as apprentice; and for failure to see that every apprentice employed by him or it is registered such registered pharmacist or other employer shall be liable as for a violation of this act. (Sec. 2, Act of Apr. 27, 1925, P. L. 299.)

13. Qualifications.—Every applicant for apprentice registration must be at least sixteen years of age. The State Board of Pharmacy, with the approval of the Department of Public Instruction, shall establish the preliminary educational qualifications and furnish, upon request, proper blanks for the purpose of registration and authorize the Department of Public Instruction to issue certificate thereof. (Sec. 3, Act of Apr. 27, 1925, P. L. 299.)

14. Rights.—A registered apprentice pharmacist shall have the right, in the presence and under the personal supervision of a pharmacist or assistant pharmacist, but not otherwise, to prepare or dispense receipes or prescriptions and to sell or furnish medicines or poisons. (Sec. 4, Act of Apr. 27, 1925, P. L. 299.)

15. Computation of Term.—The beginning of the term of practical experience required of applicants for registration as pharmacists or assistant pharmacists shall be computed from the date of registration as apprentice. (Sec. 5, Act of Apr. 27, 1925, P. L. 299.)

16. Penalties.—Any person violating any provision of this act shall upon conviction be sentenced to pay a fine of ten dollars ($10.00) and costs of prosecution.[1] (Sec. 6, Act of Apr. 27, 1925, P. L. 299.)

17. Foreign Applications and Fees; Registration.—(a) That the Pennsylvania Board of Pharmacy may, in its discretion, register as a pharmacist, without examination, any person who is duly so registered by examination in some other state: Provided, That the said person shall produce satisfactory evidence of having had the required secondary and professional education, and is possessed of good character and morals, demanded of applicants for registration as pharmacists under the provisions of the pharmacy act of Pennsylvania, excepting that persons of good moral character, who have become registered as pharmacists by examination in other states prior to May seventeenth, one thousand nine hundred and seventeen, shall be required to meet only the requirements which existed in Pennsylvania at the time when they became registered in such other State: And provided also, That the State in which such person is registered shall grant registration

[1] The Department of Public Instruction has the power to maintain action of injunction against persons practicing without a license. Act of April 18, 1949, P. L. 492.

as a pharmacist, without examination, to pharmacists duly registered by examination in the State of Pennsylvania. Applicants for such registration in Pennsylvania shall pay a fee of fifteen ($15) dollars for the application and expense of making an investigation of their character, general reputation, and pharmaceutical standing, in the State where they have resided, by the Pennsylvania Board of Pharmacy. A fee of twenty-five ($25) dollars shall be paid for the registration and certificate thereof. (Subsec. (a) of Sec. 16, Act of May 17, 1917, P. L. 208, amended July 1, 1937, P. L. 2679.)

18. Conferences With Other States; Reciprocity.—(b) The Pennsylvania Board of Pharmacy, in order to be informed and to determine the status of boards of pharmacy of other States, desiring to effect agreements for reciprocal registration of pharmacists, and in order also to be advised regarding the progress of pharmacy throughout the country, shall annually select one of its members to meet with like representatives from other State boards of pharmacy. At such meetings when arranged, there shall be discussed the degree of fitness for registration which is required by the several State boards of pharmacy. The Pennsylvania Board of Pharmacy, through its representatives, may, with like representatives from other State boards of pharmacy, join in creating and maintaining an association of representatives of the several State boards of pharmacy to be engaged in the general advancement of pharmacy and the keeping of records pertaining to reciprocal registration of pharmacists, and, in its discretion may give to such association information which it possesses relating to such aims and objects. The Pennsylvania Board of Pharmacy, at an expense not to exceed twenty-five ($25) dollars per annum, may subscribe for and secure the service of an association engaged in the compilation of pharmaceutical information, knowledge, and progress, specially adopted to secure efficiency in the work of the board. (Subsec. (b) of Sec. 16, Act of May 17, 1917, P. L. 208, amended July 1, 1937, P. L. 2679.)

19. Revocation of Registration.—That the registration of any pharmacist or assistant pharmacist, under this act of Assembly, may be revoked, by the State Board of Pharmacy, when the registration is proved to have been obtained by fraudulent means, or suspended or revoked for the following reasons:

(1) Conviction of a second violation, in connection with the practice of pharmacy, of any law of this Commonwealth or of the United States;

(2) Paying rebates to physicians, or entering into an agreement with a physician for payment, in any form, for the recommending of the professional services of either party.

Before any registration is suspended or revoked, the holder of such registration certificate shall be given a hearing before the Board of Pharmacy, after notice of the time and place of such hearing and of

the charges made against him. At such hearing the accused may be represented by counsel, and shall be entitled to compulsory attendance of witnesses. (Sec. 6, Act of May 17, 1917, P. L. 208 last amended May 11, 1949, P. L. 1095.)

Note: See secs. 73 and 74 infra, as to revocation or suspension for use of habit-forming drugs, or violations of act regulating sales, etc., thereof.

20. Authorized Acts of Registrants. Lawful Titles.—It shall be lawful for a pharmacist to take, use, and exhibit the titles: "pharmacist," "pharmacy," "druggist," "apothecary," or "drug store"; and to have charge of, engage in, conduct, or carry on, for himself or for another, the dispensing, compounding, or sale of drugs, chemicals, medicines, prescriptions, or poisons, anywhere within the State; but he shall have personal supervision of not more than one pharmacy at the same time.

It shall be lawful for an assistant pharmacist to take, use, or exhibit the title "assistant pharmacist"; and to assist in the dispensing, compounding, or retailing of drugs, chemicals, medicines, prescriptions, or poisons, in a pharmacy which is under the management and personal supervision of a pharmacist registered under the provisions of this act. He may also perform such duties during the temporary absence of the pharmacist regularly in charge. (Sec. 14, Act of May 17, 1917, P. L. 208.)

21. Unlawful Use of Titles.—That it shall be unlawful for any person, firm, or corporation to use the title: "pharmacist," "assistant pharmacist," "druggist," or "apothecary," except as authorized by this act of Assembly, or hereafter to conduct or transact business under a name which contains as part thereof, with or without qualifying words, syllables, prefixes, or suffixes the words: "drug store," "pharmacy," "medicine store," "medicine shop," or "drug shop," or any term having a similar meaning, or in any manner by advertisement, circular, poster, sign, symbol, insignia, or otherwise, describe or refer to the place of business conducted or carried on by such person, firm, or corporation, by the terms "drug store," "pharmacy," or any other term having a similar meaning unless the place of business is a drug store or pharmacy duly registered and authorized by the State Board of Pharmacy. Any person, firm, or corporation violating this section of this act of Assembly shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) and the costs of prosecution, and in default of the payment of such fine and costs shall be imprisoned for ten days. (Sec. 15, Act of May 17, 1917, P. L. 208, last amended April 24, 1935, P. L. 70.)

22. Enforcement.—The Pennsylvania Board of Pharmacy[1] shall make uniform rules and regulations for the enforcement of this act, including the forms of application for registration in accordance therewith.

The Pennsylvania Board of Pharmacy[1] shall enforce the provisions of this act of Assembly, investigate all complaints and charges of

[1] Now the State Board of Pharmacy.

non-compliance, and prosecute all persons so offending whenever reasonable ground shall appear for such action. All fines imposed through a violation of this act shall be paid to the Secretary of the Pennsylvania Board of Pharmacy,[1] and by him paid into the State Treasury, for use in the enforcement of this act of Assembly.[2] (Secs. 10 and 11, Act of May 17, 1917, P. L. 208.)

Note: See also sec. 506 of the act of April 9, 1929, P. L. 177 as to rule-making powers of departmental administrative boards.

23. False Representations; Penalties.—It shall be unlawful for any person to falsely make oath or affirmation to any statement in any application made to this board, for registration as a pharmacist or assistant pharmacist, or to any statement in support of the experience claimed in any application by any applicant for registration under this act. Any person so doing shall, upon conviction, be sentenced to pay a fine of not more than one hundred dollars ($100.00) and costs of prosecution. (Section 20, Act of May 17, 1917, P. L. 208.)

24. Impersonation; Penalty.—It shall be unlawful for any person to impersonate an applicant before the Pennsylvania Board of Pharmacy[1] who shall be applying for registration under the provisions of this act of Assembly. Any person violating this section of this act of Assembly shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of one hundred dollars ($100.00), or to undergo an imprisonment of six months in the county prison, or either or both, in the discretion of the court. (Sec. 9, Act of May 17, 1917, P. L. 208.)

III. Pharmacies

25. Registration and Permit Required; Exceptions.—No pharmacy, as defined by the act to which this is a supplement, shall be kept open for the transaction of business until it has been registered with and a permit therefor has been issued by the Pennsylvania Board of Pharmacy[1]: Provided, however, That this section shall not be construed to apply to any store or stores opened for the sale of proprietary or so-called patent medicines. (Sec. 1, Act of May 26, 1921, P. L. 1172. This act is a supplement to the Act of May 17, 1917, P. L. 208.)

26. Issuance of Permits; Fee; Display.—Upon application, on a form to be prescribed and furnished it, and the payment of a fee of five dollars ($5.00) the Pennsylvania Board of Pharmacy[1] shall issue a permit to conduct a pharmacy to such persons, associations, co-partnerships, or corporations, as the board deems qualified to conduct such business. All permits issued under the provisions of this act shall be exposed in a conspicuous place in the pharmacy for which it was issued, and shall expire on the first day of July following the date of issue. No permit

[1] Now the State Board of Pharmacy.

[2] Moneys used for enforcement purposes are now made by direct appropriation.

shall be issued unless it appears to the satisfaction of the board that the management of the pharmacy is in the charge of a pharmacist registered under the provisions of the act to which this is a supplement. All permit fees collected under the provisions of this act shall be paid into the State Treasury. (Sec. 2, Act of May 26, 1921, P. L. 1172, amended Aug. 10, 1951, P. L. 1196.)

27. Revocation or Suspension of Permits; Hearings.—The Board of Pharmacy[1] may suspend or revoke any permit obtained by false representations made in the application therefor, or when the pharmacy for which a permit shall have been issued is kept open for the transaction of business without a registered pharmacist in charge thereof, and upon conviction for a second or any subsequent violation of any law of this Commonwealth or of the United States pertaining to the drug store business or the sale of intoxicating liquors, or for aiding or abetting in the violation of any such law. Before any permit is suspended or revoked, the holder thereof shall be given a hearing before the Board of Pharmacy[1] after notice of the time and place of such hearing and of the charges made against such holder. At such hearing the accused may be represented by counsel, and shall be entitled to compulsory attendance of witnesses.

Three members of the board shall be a quorum for any such hearing.

No permit shall be suspended or revoked except by the vote of three or more members of the board. (Sec. 3, Act of May 26, 1921, P. L. 1172.)

28. Penalties.—Any person, association, co-partnership, or corporation violating any of the provisions of this act is guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200.00), or, in case of an individual or the members of an association or co-partnership or the officers or directors of a corporation, to undergo an imprisonment for not more than six months, or both. (Sec. 4, Act of May 26, 1921, P. L. 1172.)

29. Display of Certificates. Penalty.—All certificates as pharmacist or assistant pharmacists, and permits to conduct a pharmacy, and the annual renewals thereof, issued under the authority of the Commonwealth of Pennsylvania, shall at all times be conspicuously exhibited in the place of business where the pharmacist or assistant pharmacist is employed. Any person violating this section of this act of Assembly, as to the display of his permit or his own or his employes' certificates, shall, upon conviction, be sentenced to pay a fine of ten dollars ($10.00) and the costs of prosecution. (Sec. 8, Act of May 17, 1917, P. L. 208, amended April 13, 1945, P. L. 231.)

30. Formularies Required. Penalty.—There shall be kept in every pharmacy a copy of the latest revision of the United States Pharmacopoeia, and the latest edition of the National Formulary, and, if

[1] Now the State Board of Pharmacy.

homeopathic remedies are compounded and dispensed, a copy of the latest revision of the American Homeopathic Pharmacopoeia, or the Homeopathic Pharmacopoeia of the United States, which books must be open to the inspection of the Pennsylvania Board of Pharmacy[1] or the agents thereof. Any person violating this section of this act of Assembly shall, upon conviction, be sentenced to pay a fine of ten dollars ($10.00) and the costs of prosecution. (Sec. 7, Act of May 17, 1917, P. L. 208.)

31. Physicians' Prescriptions to be Filed. Inspection.—All physicians' prescriptions compounded and dispensed shall be kept on file in the pharmacy in which compounded for a period of at least five years, and during that time the same shall be open to the inspection of the police authorities, upon presentation of an order from the court, or to the members of the Pennsylvania Board of Pharmacy.[1] (Sec. 19, Act of May 17, 1917, P. L. 208.)

32. Unregistered Persons in Charge of Pharmacy Unlawful. Penalty.—It shall be unlawful for any unregistered person to have charge of a pharmacy; and anyone who permits any person, who is not registered or deemed to be a pharmacist or assistant pharmacist under this act, to take charge of a pharmacy, shall be guilty of a misdemeanor and either or both shall, upon conviction, be sentenced to pay a fine of not more than one hundred dollars ($100.00) and costs of prosecution. (Sec. 21, Act of May 17, 1917, P. L. 208.)

IV. Sale of Poisons

33. Definition of Poisons.—A poison, in the meaning of this act of Assembly, shall be any drug, chemical, or preparation which, according to standard works on medicine, toxicology, or materia medica, is liable to be destructive to adult human life, in quantities of sixty grains or less; or any mixture, compound or preparation containing, in sixty grains or less, a sufficient quantity of any such drug, chemical, or preparation as to make the same liable to be destructive to adult human life, if sixty grains or less were to be taken. (Part of Sec. 17, Act of May 17, 1917, P. L. 208.)

34. Sales; Label.—No person shall sell or retail or dispense any poison, except as herein provided, without affixing to the bottle, box, vessel, or package containing same a label, printed or plainly written, containing the name of the article, the word "poison" and the name and place of business of the seller; nor shall he deliver poison to any person without satisfying himself that the purchaser understands the poisonous nature of the article, and that such poison is to be used for legitimate purposes. (Part of Sec. 17, Act of May 17, 1917, P. L. 208.)

[1] Now the State Board of Pharmacy.

35. Record of Sales.—It shall be the further duty of anyone selling at retail or dispensing any poison, which, according to standard works on medicine, toxicology or materia medica, is liable to be destructive to adult human life, in quantities of five grains or less, before delivering them, to enter in a book kept for this purpose the name of the seller, the name and address of the buyer, the name of the article, the quantity sold or disposed of, the date on which sold, and the purpose for which it is said to be intended. Such book of registry shall be preserved for at least two years from the last date of entry, and shall at all times be open to inspection of the coroner, police authorities, or the agents of the Pennsylvania Board of Pharmacy[1]: Provided, however, That the provisions of this section shall not apply to the dispensing of physicians' prescriptions, specifying poisonous articles, nor to the sale of mixed paints of all kinds, white lead and colors ground in oil, and all lead products for technical purposes. (Part of Sec. 17, Act of May 17, 1917, P. L. 208.)

Note: Sec. 10 of the Act of May 24, 1887, P. L. 189, also exempted from its provisions insecticides containing poisons.

36. Exceptions of Sales for Technical Use.—This act shall not apply to the sale of poisons for technical use, and not sold or offered for sale as a drug within the meaning of this act; provided that the article is labeled to show plainly that it is for technical use and not for medicinal use, and is sold in compliance with section seventeen of this act of Assembly. (Sec. 18, Act of May 17, 1917, P. L. 208, amended May 8, 1919, P. L. 122.)

37. Penalties.—Any person violating this section of this act of Assembly shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not more than one hundred dollars ($100.00). (Part of Sec. 17, Act of May 17, 1917, P. L. 208.)

Note: See Secs. 33, 34, 35, supra.

38. Sale of Poisons. Penal Provisions.—Whoever sells or disposes of by retail, any morphia, strychnia, arsenic, prussic acid, carbolic acid, or corrosive sublimate, except upon the prescription of a physician, or on the personal application of some respectable inhabitant, of full age, of the town or place in which such sale shall be made, or without carefully and legibly marking or placing upon the label, package, bottle, or other vessel or thing in which such poison is contained, the word poison, or unless, when sold or disposed of otherwise than under the prescription of a physician, the apothecary, druggist, or other person selling or disposing of the same, notes in a register kept for that purpose, the name and residence of the person to whom such sale was made, the quantity sold, and the date of such sale, is guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo an imprisonment not exceeding one (1) year, or both. (Sec. 639, Act of June 24, 1939, P. L. 872.)

[1] Now the State Board of Pharmacy.

V. Manufacture of Drugs and Medical Supplies

39. Definitions.—The following words as used in this act shall for the purposes of this act be construed as follows:

(a) "Drugs," means all medicines and preparations recognized in the United States Pharmacopoeia, the National Formulary, or the American Homeopathic Pharmacopoeia for internal or external use, for the cure, mitigation or prevention of disease of either man or other animals.

(b) "Medical supplies," means in addition to drugs, biological products and all other parenteral medication, absorbent cotton, bandages, gauze, sutures, compacts, compresses, surgical dressings of all kinds and descriptions, and all other products, preparations, other than foods, used in the diagnosis, cure, mitigation or prevention of disease in man or other animals, or intended to affect the structure of any function of the body of man or other animals, but shall not include instruments, appliances or devices used by physicians, dentists, nurses or veterinarians in the pursuit of their professional practice.

(c) "Manufacture," includes manufacture, making, producing, packing, packaging or preparing drugs or medical supplies (but not compounding prescriptions for or selling drugs, or medical supplies) at retail, to the public, or repacking when in original packages of the manufacturer, or of manufacturers' consumer unit sale packages.

(d) The words "drug," and "medical supplies," as used in this act do not include surgical or dental instruments or laboratory materials, gases, oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts, or accessories or equipment, instruments, apparatus or contrivances used to render such articles effective in medical, surgical or dental treatment or for use or consumption in or for mechanical, industrial, manufacturing or scientific applications or purposes. (Sec. 1, Act of May 16, 1945, P. L. 615.)

40. Registration Required.—No place of manufacture shall be conducted or kept open for the transaction of business until it has been registered with, and a certificate of registration, which shall not be transferable, has been issued by the State Board of Pharmacy. (Sec. 2, Act of May 16, 1945, P. L. 615.)

41. Regulation of Manufacturer.—No drugs or medical supplies shall be manufactured in this Commonwealth except under the personal supervision of a registered pharmacist, chemist or other persons possessing at least five years' experience in the manufacture of said drugs or medicinal supplies, or such other person approved by the State Board of Pharmacy after an investigation and determination by the said board that such person is qualified by scientific or technical training or experience to perform such duties of supervision, as may be necessary, to protect the public health and safety. (Sec. 3, Act of May 16, 1945, P. L. 615.)

42. Applications for Registration; Fees; Registration Year.—Application for registration and for certificate of registration required under the provisions of this act shall be made on forms prepared and furnished by the State Board of Pharmacy, and shall be accompanied by a fee of five dollars ($5.00), a separate application shall be made and a separate certificate of registration shall be required for each place of manufacture. Certificate of registration issued under the provisions of this act shall at all times be conspicuously displayed in the place of manufacture. Certificate of registration shall be issued for a registration year commencing July first of one year and expiring with June thirtieth of the year following.

Application forms for registration shall be mailed by the State Board of Pharmacy to each applicant or person to whom a certificate of registration has been issued, on or before the first day of June of each year, or shall be furnished on request, and if application is not made before the first day of July, the existing certificate of registration shall expire and become null and void on said date, except upon the production of good and sufficient evidence satisfactory to the State Board of Pharmacy, explaining the failure to file an application for a certificate of registration within the time prescribed by this act. (Sec. 4, Act of May 16, 1945, P. L. 615.)

43. Inspection.—The State Board of Pharmacy, or its duly authorized agents, shall have the power to inspect, at all reasonable hours, in a lawful manner, the drugs and medical supplies in any place of manufacture and for such purposes shall have power to enter any place of manufacture and to require any person to permit an examination of the drugs and medical supplies which he is engaged in manufacturing, and to take samples of such drugs and medical supplies upon payment therefor, for the purpose of examining and testing the same. (Sec. 5, Act of May 16, 1945, P. L. 615.)

44. Unlawful Acts.—It shall be unlawful for any manufacturer to manufacture, or sell, or offer for sale, package or have in possession with intent to sell any drug or medical supplies which are adulterated or misbranded within the meaning of this act. (Sec. 6, Act of May 16, 1945, P. L. 615.)

45. Drugs Deemed Adulterated.—If inspection and testing of the drugs and medical supplies which purport to be drugs or medical preparations recognized in the latest revision of the United States Pharmacopoeia, the National Formulary or the American Homeopathic Pharmacopoeia, or any supplement to any of them, reveals that such drugs or medical supplies differ from the standard of strength, quality or purity as determined by the test or formula laid down in the latest revision of the United States Pharmacopoeia, the National Formulary or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of such inspection, such drugs or medical supplies shall for the purpose of this act be

deemed to be adulterated: Provided, That no drugs or medical supplies defined in the latest revision of the United States Pharmacopoeia, the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of inspection, except the preparations in which such drugs or medical supplies may be an ingredient in the formula thereof, shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated in juxtaposition with the official standard of strength, quality and purity upon the bottle, box or other container thereof although the standard may differ from that determined by the test or formula laid down by the latest revision of the United States Pharmacopoeia, the National Formulary or the American Homeopathic Pharmacopoeia or any supplement to any of them, official at the time of investigation.

The drugs or medical supplies shall likewise be deemed to be adulterated if the strength, quality or purity shall fall below the professed quality under which the same is manufactured, prepared for distribution, sale or use. (Sec. 7, Act of May 16, 1945, P. L. 615.)

46. Drugs Deemed Misbranded.—For the purpose of this act, drugs and medical supplies shall be deemed to be misbranded:

First. All drugs the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substance or substances contained therein which is false or misleading in any material particular.

Second. If it be an imitation of or offered for sale under the name of another article.

Third. If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear statement on the label of the presence of any alcohol, narcotic, drug, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetine, antipyrine or any derivative or any preparation of any such substances contained thereon: Provided, That nothing in this paragraph shall apply to the filling of written prescriptions furnished by practicing physicians, dentists and veterinarians and kept on file by pharmacists or as to such preparations as are specified and recognized by the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary and the American Homeopathic Pharmacopoeia or any supplement to any of them official at the time of investigation, which are made in accordance therewith and are sold under titles designated therein.

Fourth. If its packages or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false or fraudulent. (Sec. 8, Act of May 16, 1945, P. L. 615.)

47. Formularies Required.–There shall be kept in each place of manufacture for which a certificate of registration is issued a copy of the latest revision of the United States Pharmacopoeia, and the latest edition of the National Formulary, which books must be available for and open to the inspection of the State Board of Pharmacy, or its duly authorized agents. (Sec. 9, Act of May 16, 1945, P. L. 615.)

48. Refusal; Suspension; Revocation of Certificate of Registration; Appeals.—The State Board of Pharmacy may suspend or revoke any certificate of registration obtained by false representation made in the application therefor or when any place of manufacture makes, produces, packs or prepares or sells drugs or medical supplies, except under the personal supervision of a registered pharmacist, or other person possessing at least five years' experience in the manufacture of said drugs or medical supplies, or such person approved by the State Board of Pharmacy, as provided herein. Any person to whom a certificate of registration has been issued, aggrieved by the action of the State Board of Pharmacy, in suspending or revoking a certificate of registration, may appeal from the action of the board by petition to the Court of Common Pleas of Dauphin County. Such appeals must be taken within thirty days after such suspension or revocation. No appeal shall act as a supersedeas. (Sec. 10, Act of May 16, 1945, P. L. 615.)

49. Rules and Regulations.—The State Board of Pharmacy shall after a public hearing have power from time to time to adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this act, and as it deems necessary for the protection of the public health and safety with respect to the sanitation, materials, equipment and supplies of places of manufacture for which certificates of registration are issued. (Sec. 11, Act of May 16, 1945, P. L. 615.)

50. Equity Jurisdiction.—The State Board of Pharmacy may in its discretion, in addition to other remedies provided for in this act, apply to any court of common pleas having jurisdiction over the parties for a writ of injunction to restrain repetitious violations of the provisions of this act. (Sec. 12, Act of May 16, 1945, P. L. 615.)

51. Penalties.—Any person violating any of the provisions of this act, or any of the rules and regulations adopted thereunder, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00) or undergo imprisonment, for a period of not less than one month nor more than six months, or both. (Sec. 13, Act of May 16, 1945, P. L. 615.)

VI. Adulterated or Misbranded Drugs

(Pure Drug Law)

52. "Drug" Defined.—The term "drug," as used in this act, shall include all medicines and preparations recognized in the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of investigation, for the internal or external use, and any substance or mixture of substances, intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. (Sec. 2, Act of May 8, 1909, P. L. 470, last amended May 27, 1937, P. L. 906.)

53. "Adulteration" Defined.—For the purpose of this act, an article shall be deemed to be adulterated:

First. If a drug which is recognized in the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of investigation, is sold or offered for sale with or without a modifying prefix or suffix and differs from the standard of strength, quality, or purity, as determined by the test or formula laid down in the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them, official at the time of investigation: Provided, That no drug defined in the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of investigation, except the preparation in which any such drug may be an ingredient in the formula thereof, shall be deemed to be adulterated, under this provision, if the standard strength, quality or purity be plainly stated, in juxtaposition with the official standard of strength, quality, and purity, upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test or formula laid down by the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, or the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of investigation.

Second. If the strength or purity fall below the processed standard or quality under which it is sold. (Sec. 3, Act of May 8, 1909, P. L. 470, last amended May 27, 1937, P. L. 906.)

54. "Misbranded" Defined.—For the purpose of this act an article shall be deemed to be misbranded:

First. All drugs, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substance of substances contained therein, which is false or misleading in any particular.

Second. If it be an imitation of, or offered for sale under the name of, another article.

Third. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; or if the package fail to bear statement on the label of the presence of any alcohol, morphine, opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetine, antipyrine, or any derivative or any preparation of any such substances, contained thereon: Provided, That nothing in this paragraph apply to the filling of written prescriptions, furnished by practicing physicians, dentists, and veterinarians, and kept on file by pharmacists; or as to such preparations as are specified and recognized by the latest revision of the Pharmacopoeia of the United States, the latest edition of the National Formulary, and the American Homeopathic Pharmacopoeia, or any supplement to any of them official at the time of investigation, which are made in accordance therewith and are sold under titles designated therein.

Fourth. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which is false or fraudulent.

Fifth. If there is an omission, or substitution, of any of the ingredients of a prescription written by a duly licensed physician, dentist, or veterinarian, the number on the prescription label shall be the device by which the corresponding prescription shall be identified. (Sec. 4, Act of May 8, 1909, P. L. 470, last amended April 10, 1945, P. L. 186.)

55. Sale, Etc., of Misbranded and Adulterated Drugs Prohibited.— It shall be unlawful for any person, partnership, or corporation to manufacture or sell, offer for sale, or have in possession with intent to sell, any drug which is adulterated or misbranded, within the meaning of this act. (Sec. 1, Act of May 8, 1909, P L. 470.)

56. Sale of Adulterated Drugs and Medicines.— Whoever * * * * * adulterates for sale, or knowingly sells any adulterated drugs or medicines, is guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars ($100), or undergo an imprisonment not exceeding six (6) months, or both. (Sec. 635, Act of June 24, 1939, P. L. 872.)

57. Enforcement; Rules and Regulations; Entry of Premises; Purchases; Penalty.—The enforcement of this act shall be entrusted to the State Pharmaceutical Examining Board,[1] who shall receive as compensation for their services the same per diem and expenses that they receive as members of the State Pharmaceutical Examining Board[1] under the act of May twenty-fourth, one thousand eight hundred and eighty-seven. They shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of drugs manufactured or offered for sale in the State;

[1] Now the State Board of Pharmacy.

and shall appoint an executive secretary, who shall work under the directions of said board;[1] and they shall also have the power to employ such agents, chemists, attorneys, and assistants as may be necessary for this purpose; and they or their duly authorized agents shall have the right to enter any place where drugs are compounded, dispensed, or sold, for the purpose of purchasing samples; and shall have the right to purchase samples in order that tests may be made to determine whether such drugs conform to the standards of strength, quality, and purity as fixed by the laws of this Commonwealth. Any person who intentionally prevents, or knowingly refuses to permit any authorized person to enter any place where drugs are compounded, dispensed, or sold, for the purpose of purchasing samples, or refuses to sell a sample or samples of drugs for the purpose of examination, shall, upon conviction be sentenced to pay a fine of ten dollars ($10.00) and costs of prosecution: Provided, however, That this section shall not be construed as granting any right or privilege to said board,[1] or their agents thereof, of inspecting any place where drugs are sold or manufactured, or any formula or process of manufacture of any drug. (Sec. 5, Act of May 8, 1909, P. L. 470, amended June 7, 1917, P. L. 564.)

58. Examination of Drugs; Hearing; Institution of Prosecutions.—The examination of drugs, purchased or procured by said board, shall be made under the direction and supervision of said board, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimen is adulterated or misbranded within the meaning of this act, the board shall cause notice thereof to be given to the party from whom the same was purchased or procured. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid; and if it appears that any of the provisions of this act have been violated by such party, then the board shall at once direct their agent or representative to lay the facts before the district attorney of the proper county, together with a copy of the results of the analysis of such article, duly authenticated by the analyst or officer making the same; and shall direct their said agent or representative, under the direction of the said district attorney, to make information against the party so appearing to have violated the provisions of this act, and attend to the prosecution of such proceedings until the same is finally terminated. (Sec. 7, Act of May 8, 1909, P. L. 470.)

59. Duty of District Attorney.—It shall be the duty of each district attorney to whom the board[1] shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper court, without delay, for the collection of the penalties in such case made and provided. (Sec. 8, Act of May 8, 1909, P. L. 470.)

[1] Now the State Board of Pharmacy.

60. Penalties.—Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, for each offense, upon conviction thereof, be fined not to exceed fifty dollars; and upon conviction for any second or subsequent commission of the same offense, shall be fined not to exceed one hundred dollars; and upon conviction the person so convicted shall, in addition to the fine herein mentioned, pay all the cost of prosecution, including the expense incurred in examining and analyzing the article found to have been adulterated or misbranded; and all fines paid and collected for violations of this act shall be paid to the treasurer of the State Pharmaceutical Examining Board,[1] and by him shall be forthwith paid to the Treasurer of the State, for the use of the Commonwealth. (Sec. 9, Act of May 8, 1909, P. L. 470.)

61. Proceedings Where Drugs Are Guaranteed.—In case it shall be made to appear at any hearing before said board,[1] or under the rules and regulations prescribed thereby, that the dealer, from whom any adulterated or misbranded article shall have been purchased or procured, purchased the same from any manufacturer, wholesale dealer or jobber, who has given a guarantee thereof to the dealer, that the same is not misbranded or adulterated within the meaning of this act; and if it shall be made to appear that the said dealer has kept and preserved the article in question in precisely the same condition, as to quality and purity, as when it was so purchased by said dealer then, and in that case, the said board shall direct proceedings to be commenced against the manufacturer, wholesale dealer, or jobber, in the proper county, for the collection of the penalty provided for violation of this act; and if the penalty shall thus be collected from said manufacturer, wholesale dealer, or jobber, no further proceedings shall be commenced or continued against the dealer from whom the article in question has been purchased or procured, provided the sale of said article be discontinued by said dealer. (Sec. 10, Act of May 8, 1909, P. L. 470.)

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[1] Now the State Board of Pharmacy.

PART TWO

LAWS ADMINISTERED BY DEPARTMENT OF HEALTH

I. Narcotics

62. "Drugs" Defined.—Except as limited in section two of this act, the word "drug," as used in this act, shall be construed to include: (a) Opium; or (b) coca leaves: or (c) marihuana; (d) any compound or derivative of opium, coca leaves, or marihuana; or (e) any substance or preparation containing opium, coca leaves, or marihuana; or (f) any substance or preparation containing any compounds or derivative of opium, coca leaves, or marihuana and any substance identified chemically as 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester, or any salt or derivative thereof, by whatever trade name, designated, or any preparation containing such substance or its salts or derivatives. (Sec. 1, Act of July 11, 1917, P. L. 758, amended April 12, 1945, P. L. 225.)

63. Exceptions to Definition; Sales to Habitual Users or Children Prohibited.—The word "drug" shall not be construed to include—(1) preparations and remedies and compounds which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them, in one fluid ounce, if the same is liquid; or, if solid or semi-solid, in one avoirdupois ounce; (2) liniments, ointments or other preparations, prepared and dispensed in good faith for external use only, providing such liniments, ointments, and preparations do not contain cocaine or any of its salts, or alpha or beta eucaine or any of their salts; or any synthetic substitute for cocaine or eucaine or their salts; (3) decocanized coca leaves, or preparations made therefrom, or other preparations of coca leaves which do not contain cocaine:

Provided, however, That no preparations, remedies, or compounds containing any opium or coca leaves, or any compounds or derivative thereof, in any quantity whatsoever, may be sold, dispensed, distributed, or given away to, or for the use of, any known habitual user of drugs or any child of twelve years of age, or under, except in pursuance of a prescription of a duly licensed physician or dentist. (Sec. 2, Act of July 11, 1917, P. L. 758, amended Apr. 20, 1921, P. L. 152.)

64. "Person" and "Prescription" Defined.—The word "person," as used in this act, shall be construed to include an individual, a copartnership, a corporation, or an association. Masculine words include the feminine or neuter. The singular includes the plural. The word "prescription" shall be construed to designate a written order, by a duly licensed physician, dentist, or veterinarian, calling for a drug, or for any substance or preparation containing a drug. The word

"physician," as used in this act, shall be construed to include physician, surgeon, osteopathic physician and osteopathic surgeon. (Sec. 3, Act of July 11, 1917, P. L. 758, amended April 12, 1945, P. L. 225.)

65. Possession, Sale, Etc., Prohibited; Exceptions.—No person shall have in his possession or under his control, or deal in, dispense, sell, deliver, distribute, prescribe, traffic in, or give away, any of said drugs.

This section does not apply, in the regular course of their business, profession, employment, occupation, or duties, to—(a) manufacturers of drugs; (b) persons engaged in the wholesale drug trade; (c) importers or exporters of drugs; (d) registered pharmacists actually engaged as retail druggists; (e) bona fide owners of pharmacies or drug stores; (f) licensed physicians; (g) licensed dentists; (h) licensed veterinarians; (i) persons in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township of this Commonwealth, and having such drugs in their possession by reason of their official duties; (j) warehousemen, or common carriers, engaged, bona fide, in handling or transporting drugs; (k) persons regularly in charge of drugs in dispensaries, hospitals, asylums, sanatoriums, poorhouses, jails, penitentiaries, or public institutions; (l) nurses under the supervision of a physician; (m) persons in charge of a laboratory where such drugs are used for the purpose of medicinal or scientific research only; (n) captains, or proper officers, of ships upon which no regular physician is employed, for the actual medical needs of the officers and crews of their own ship only; (o) persons having said drugs in their possession for their own personal use only, provided that they have obtained the same in good faith for, their own use, from a duly licensed physician or dentist, or in pursuance of a prescription given them by a duly licensed physician or dentist; (p) persons having said drugs in their possession for the use of an animal belonging to them, provided that they have obtained the same in good faith, from a duly licensed veterinarian, for the use of such animal, or in pursuance of a prescription given by a duly licensed veterinarian; (q) persons in the bona fide employ of any of the persons above enumerated. (Sec. 4, Act of July 11, 1917, P. L. 758.)

66. Use or Administration Under Advice of Physician or Dentist.—No person shall use, take, or administer to his person, or cause to be administered to his person or administer to any other person, or cause to be administered to any other person, any of the aforesaid drugs, except under the advice and direction and with the consent of a regularly practicing and duly licensed physician or dentist. (Sec. 5, Act of July 11, 1917, P. L. 758.)

67. Sales by Manufacturers, Wholesalers, Etc., Written Order; Preservation and Inspection.—No manufacturer, producer, importer, exporter or person engaged in the wholesale drug trade, and regularly selling drugs, shall sell, dispense, distribute, or give away, any of said drugs except to—(a) a duly licensed physician; (b) a duly licensed pharmacist; (c) a duly licensed dentist; (d) a duly licensed

veterinarian; (e) a manufacturer of drugs; (f) a person engaged in the wholesale drug trade and regularly selling drugs; (g) an exporter of drugs; (h) a bona fide hospital, dispensary, asylum or sanatorium; (i) a public institution; (j) a bona fide owner of a pharmacy or drug store; (k) a person in a foreign country; (l) a person in charge of a laboratory where such drugs are used for the purpose of scientific and medical research only; (m) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (n) a person in the employ of the United States, of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No manufacturer, producer, importer, or person engaged in the wholesale drug trade, and regularly selling drugs, shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drug is sold, dispensed, distributed, or given. Such order shall be preserved for a period of two years in such a way that it will be readily accessible to inspection by the proper authorities. (Sec. 6, Act of July 11, 1917, P. L. 758.)

68. Sales at Retail; Prescriptions; Labels.—No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except to—(a) another registered pharmacist or bona fide owner of pharmacy or drug store; (b) a duly licensed physician; (c) a duly licensed dentist; (d) a duly licensed veterinarian; (e) a bona fide hospital, dispensary, asylum, sanatorium, or public institution; (f) an individual, in pursuance of a written prescription issued by a physician, dentist, or veterinarian, which prescription shall be dated as of the day on which signed, and shall be signed by the physician, dentist, or veterinarian who issued the same; (g) a person in charge of a laboratory where such drugs are used for the purpose of medical or scientific research only; (h) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (i) a person in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drugs are sold, dispensed, distributed, or given. Such order shall be preserved, for a period of two years, in such a way that it will be readily accessible to inspection by the proper authorities. When such drugs are sold, dispensed, distributed, or given to an individual, in pursuance of a prescription, such prescription shall be regarded as the written order herein required, and no further written order shall be necessary.

Whenever a pharmacist sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold, or dispensed, a label showing date, his own name, address, and registry number, or the name, address and registry number of the pharmacist for whom he is lawfully acting; the name and address of the patient, or if the patient is an animal, the name and address of the owner of the animal, and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian by whom the prescription was written and such directions as may be stated on the prescription. Whenever a physician, dentist, or veterinarian dispenses any narcotic to a patient, there must be affixed to the container in which said drug is dispensed, a label showing date, his own name, address, and registry number, the name and address of the patient, or if the patient is an animal, the name and address of the owner of the animal and the species of the animal. No person shall alter, deface, or remove any label so affixed.

A person to whom, or for whose use any narcotic drug has been prescribed, sold, or dispensed by a physician, dentist, apothecary, or other person authorized under the provisions of section four of this act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same. (Sec. 7, Act of July 11, 1917, P. L. 758, amended April 12, 1945, P. L. 225.)

69. Sales and Uses Restricted; Sales to Habitual Users; Reports to Department of Health.—No physician or dentist shall sell, dispense, administer, distribute, give, or prescribe any of said drugs to any person known to such physician or dentist to be an habitual user of any said drugs, unless said drug is prescribed, administered, dispensed, or given for the cure or treatment of some malady other than the drug habit: Provided, however, That if any physician desires to undertake, in good faith, the cure of the habit of taking or using opium or any of its derivatives in any form, such physician may prescribe or dispense opium or its derivative to a patient under proper nursing supervision or institutional care, provided such opium or its derivatives are prescribed or dispensed in good faith for the purpose of curing such patient of such habit, and not merely for the purpose of satisfying a craving for the drug. In the treatment of drug addiction, as such, narcotics must not be furnished either on dispensing or prescribing in writing by physicians to the addict himself, but must be personally administered by the physician, or be placed in the hands of a nurse, or other reliable person who is not an addict and who is held personally responsible for carrying out the directions of the physician in charge. Written records must be kept of all such administration of narcotics. In every such case the physician shall himself make a physical examination of the patient and

shall report, in writing, within seventy-two hours, to the Department of Health, the name and address of such patient together with his diagnosis of the case and the amount and nature of the drug prescribed or dispensed in the first treatment. When the patient leaves his care, such physician shall report, in writing, within seventy-two hours, to the Department of Health the result of his said treatment. Any person who, in the course of treatment, is supplied with narcotic drugs or a prescription therefor by the treating physician, and who, without disclosing the fact to such physician is supplied during such treatment with narcotic drugs or a prescription therefor by another physician, shall be guilty of a violation of this article. No person shall obtain, or attempt to obtain, a narcotic drug, or procure, or attempt to procure, the administration of a narcotic drug: (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription, or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address. Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication. No person shall willfully make a false statement in any prescription, order, report, or record required by this article. No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of or represent himself to be a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian or other authorized person. No person shall make or utter any false or forged prescription, or false or forged written order. No person shall affix any false or forged label to a package or receptacle containing narcotic drugs. (Part of Sec. 8, Act of July 11, 1917, P. L. 758, last amended April 12, 1945, P. L. 225.)

70. Penalty for Divulging Information in Report to Department of Health.—Any person divulging any information contained in any such report, except for the purpose of enforcing this act, or to a physician who may, in the opinion of the Secretary of Health be entitled to such information for the purpose of enabling him to comply with the provisions of this act, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding one year, or both, in the discretion of the court: Provided, That it shall be lawful for the Department of Health to advise the Department of Revenue, upon its request in writing, whether or not any offender against the laws relating to the operation of motor vehicles is listed with said Department of Health as an habitual user of narcotic drugs. (Sections 69 and 70 contain Sec. 8, Act of July 11, 1917, P. L. 758, last amended April 12, 1945, P. L. 225.)

71. Physical Examination Before Administration Required.—No physician, dentist, or veterinarian shall administer, dispense, give away, deliver, or prescribe any of said drugs, except after a physical examination of the person or animal for whom said drugs are intended; said examination to be made at the time said prescription is issued, or at the time said drug is administered, dispensed, given away, or

delivered by said physician, dentist, or veterinarian. No veterinarian shall sell, dispense, distribute, give or prescribe any drug for the use of a human being. (Sec. 9, Act of July 11, 1917, P. L. 758.)

72. Preservation of Records by Physicians, Dentists, and Veterinarians.—Every physician, dentist, and veterinarian shall keep a record of all said drugs administered, dispensed, or distributed by him, showing the amount administered, dispensed, or distributed, the date, the name and address of the patient; and, in the case of a veterinarian, the name and address of the owner of the animal to whom such drugs are dispensed or distributed; such record shall be kept for two years from the date of administering, dispensing, or distributing such drug, and shall be opened for inspection by the proper authorities. No record need be kept of any drug administered in an emergency case. (Sec. 10, Act of July 11, 1917, P. L. 758.)

73. Revocation of Professional Licenses for Habitual Use of Drugs.—Any license heretofore issued to any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse may be either revoked or suspended by the proper officers or boards having power to issue licenses to any of the foregoing, upon proof that the licensee is addicted to the use of any said drugs, after giving such licensee reasonable notice and opportunity to be heard. (Sec. 14, Act of July 11, 1917, P. L. 758.)

74. Revocation of Professional Licenses for Violations of Act.—The appropriate professional licensing boards in the Department of Public Instruction are hereby authorized to revoke or suspend the registration or license of any physician, surgeon, dentist, veterinarian, pharmacist, druggist, or registered nurse when such person has pleaded guilty, entered a plea of nolo contendere, or has been found guilty by a judge of violating any State or Federal law pertaining to the sale, use or distribution of narcotics.

Before any registration or license is suspended, or revoked, the holder thereof shall be given a hearing before the appropriate board after notice of the time and place of such hearing and of the charges made against him. At such hearing the accused may be represented by counsel and shall be entitled to compulsory attendance of witnesses. (Sec. 15, Act of July 11, 1917, P. L. 758, amended April 12, 1945, P. L. 225.)

75. Treatment of Habitual Users in Institutions; Reports to Department of Health.—This act shall not be construed to apply to the treatment of habitual users of drugs in public hospitals, sanatoriums, poorhouses, prisons, or public institutions, except that all such public institutions shall render an annual report to the State Department of Health, giving therein names, addresses, ages, clinical conditions, and the results of treatment of all habitual users of drugs given treatment in said institutions. (Sec. 11, Act of July 11, 1917, P. L. 758, amended Apr. 20, 1921, P. L. 152.)

76. Enforcement by Department of Health; Duties, Etc.—The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania; and for that purpose the Secretary of Health is hereby authorized to make rules and regulations governing the dispensing, distributing or giving away of any synthetic analgesic drug which possesses the qualities of habituation similar to morphine which the Secretary of Health may determine to be dangerous or deleterious or habit forming and to establish, in the Department of Health, a bureau or division for such purpose, and to employ such assistants, stenographers, inspectors, clerks and other employes as, in his opinion, may be necessary and to fix their compensation. For the purpose of enforcing the provisions of this act, the Secretary of Health and his assistants, either in said bureau or division or any other bureau or division of his department, shall have the right to examine, at any time, any or all of the records required by this act to be kept; and the Secretary of Health may further require persons dealing in, buying, selling, handling, or giving away drugs to make such reports to him, or to the bureau aforesaid, as he may deem necessary or advisable. This section shall not be construed to exclude the other duly constituted authorities in this Commonwealth from enforcing the provisions of this act.

The Secretary of Health shall appoint, subject to the approval of the Governor in each instance, inspectors in said bureau, who shall be authorized and empowered to make arrests, without warrant, for all violations of this act by any person or persons who are not taxed as legal dealers in opium, et cetera, by the Government of the United States. (Sec. 16, Act of July 11, 1917, P. L. 758, last amended May 12, 1949, P. L. 1258.)

Note: The provisions of this section have been carried over into Sec. 2108 of the Act of April 9, 1929, P. L. 177, which gives power to the Department of Health to supervise the enforcement of, and administer laws in regard to narcotic drugs.

77. Violations; Penalties; Liability of Officers, Etc., of Corporations.—(a) Any person who possesses, sells, dispenses or gives away any drugs in violation of the provisions of this act shall be guilty of a felony; and, upon conviction thereof, shall be sentenced as follows: for a first offense, to pay a fine not exceeding two thousand dollars ($2000) and to undergo imprisonment of not less than two (2) years and not exceeding five (5) years; for a second offense, or, if in case of a first conviction of violation of any provisions of this act, the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district relating to drugs, to pay a fine not exceeding five thousand dollars ($5000) and to undergo imprisonment of not less than five (5) years and not exceeding ten (10) years; and for a third or subsequent offense, or if the offender shall previously have been convicted two or more

times in the aggregate of any violation of the law of the United States or of any other state, territory or district relating to drugs, to pay a fine not exceeding seven thousand, five hundred dollars ($7500) and to undergo an imprisonment of not less than ten (10) years and not exceeding thirty (30) years.

Except in the case of conviction for a first offense for violation of the provisions of this subsection, the imposition or execution of sentence shall not be suspended and probation or parole shall not be granted until the minimum imprisonment herein provided for the offense shall have been served.

(b) Any person who shall violate, or fail to comply with, any of the other provisions of this act, except as provided in the last paragraph of section eight[1], shall be guilty of a felony; and, upon conviction, shall be sentenced to pay a fine not exceeding two thousand dollars, or to undergo an imprisonment not exceeding five years, or both, at the discretion of the court.

(c) If the violation is by a corporation, copartnership, or association, the officers and directors of such corporation, or the members of such copartnership or association, the agents and employes, with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally. (Sec. 12, Act of July 11, 1917, P. L. 758, last amended June 19, 1953, P. L. Act No. 58.)

78. Burden of Proof.—In any prosecution under this act it shall not be necessary to negative any of the exemptions of this act in any complaint, information, or indictment. The burden of proving any exemption under this act shall be upon the defendant. (Sec. 13, Act of July 11, 1917, P. L. 758.)

Note: See Secs. 69, 70 supra.

79. Forfeiture of Vehicle Containing Narcotics.—Any wagon, buggy, motor vehicle, water or air craft or other vehicle or conveyance in which is stored, contained or transported any narcotics or drugs, the possession or transporting of which is in violation of any law of this Commonwealth, shall be forfeited to the Commonwealth subject to the provisions hereafter set forth: Provided, however, That nothing herein contained shall be construed to apply to common carriers by railroad subject to Part 1 of the Interstate Commerce Act. (Sec. 1, Act of July 3, 1941, P. L. 263.)

80. Return of Seized Vehicle to Owner. Bond.—Whenever any officer shall discover any vehicle used as referred to in section one hereof, he shall take possession of such vehicle and shall forthwith deliver possession thereof to the district attorney of the county wherein said seizure occurred, or to the person designated by him, to abide the judgment of the court: Provided, however, That the said vehicle, team, conveyance, craft or receptacle shall be returned to the owner upon the execution by him of a good and valid bond with sufficient

sureties in the sum double the value of the vehicle, to be approved by the magistrate, alderman or justice of the peace or a judge of the court of quarter sessions, conditioned that the said vehicle shall be delivered to the district attorney of the county or the person designated by him at the time of the condemnation proceedings, hereinafter provided in this act, to abide the judgment of the court, or otherwise to remain in full force and virtue; said bond to be payable to the Commonwealth of Pennsylvania for the use of the county in which said conviction is had. Said bond shall be returned to the court of quarter sessions and there held to abide the final disposition of the case: Provided further, That no such vehicle when in the custody of the law or of any officer shall be seized or taken therefrom on any writ of replevin or other like process. (Sec. 2, Act of July 3, 1941, P. L. 263.)

81. Hearing.—If upon hearing it appears that any such vehicle has been used to store, possess or transport any narcotic or drug, the transportation or possession of which is unlawful, such vehicle shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided. (Sec. 3, Act of July 3, 1941, P. L. 263.)

82. Sale; Notice.—In the case of any such vehicle seized and condemned as aforesaid the court shall order a public sale thereof by the sheriff of the county, notice of which sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias, the proceeds of such sale to be paid to the county treasurer for the use of the county. In the event that any such vehicle is, when so seized, held and possessed, under a bailment lease or contract and the legal title thereto is in another person, or in the event that any such vehicle is, when so seized, subject to the lien of a chattel mortgage or to a contract of conditional sale, and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent, then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgagee or conditional seller for money due under said chattel mortgage or contract or conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided. In case it appears at said hearing that the owner of any such vehicle has not been found within the jurisdiction of the court the sheriff shall give ten (10) days' notice of said sale by registered letter to the person, if any, whose name appears thereon as the manufacturer thereof, together with the manufacturer's number if any appearing thereon. (Sec. 4, Act of July 3, 1941, P. L. 263.)

83. Procedure; Service of Notice; Claim for Possession; Jury Trial.—(1) The proceedings for the forfeiture or condemnation of all vehicles, the sale of which is provided for herein, shall be in rem, in which

the Commonwealth shall be the plaintiff and the vehicle the defendant. A petition shall be filed in the court of quarter sessions of the peace verified by oath or affirmation of any officer or citizen containing the following: (a) a description of the vehicle so seized; (b) a statement of the time and place where seized; (c) the owner, if known; (d) the person or persons in possession, if known; (e) an allegation that same had been used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of a law of the Commonwealth, (f) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth and condemned and be ordered sold according to law, unless cause be shown to the contrary.

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court, or upon the person or persons in possession at the time of the seizure thereof. Said copy shall have endorsed thereon a notice as follows:

"To the Claimant of within Described Property:

"You are required to file an answer to this petition, setting forth your title in, and right to possession of, said vehicle within fifteen (15) days from the service hereof, and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said vehicle."

Said notice shall be signed by the district attorney.

(3) If the owner of said vehicle is unknown or outside the jurisdiction of the court and there was no person in possession of said vehicle when seized or such person so in possession can not be found within the jurisdiction of the court, notice of said petition shall be given by the sheriff by an advertisement in a newspaper of general circulation published in the county where such vehicle shall have been seized, once a week for three (3) successive weeks. Said notice shall contain a statement of the seizure of said vehicle with a description thereof, the place and date of seizure, and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice, which dates shall not be less than twenty-one (21) days from the date of the first publication.

(4) Upon the filing of any claim for said vehicle, setting forth a right of possession thereof, the case shall be deemed at issue and a time be fixed for the hearing thereof.

(5) At the time of said hearing, if the Commonwealth shall produce evidence that the vehicle in question was unlawfully used, the burden shall be upon the claimant to show (a) that he is the owner of said vehicle or the holder of a chattel mortgage or contract of conditional sale thereon; (b) that he lawfully acquired the same; (c) that it was not unlawfully used or possessed by him, and (d) in the event that it shall appear that the vehicle was unlawfully used by a person other than the claimant, then such claimant shall show that such unlawful use was without his knowledge or consent.

(6) Any person claiming the ownership of, or right of possession to, or claiming to be the holder of a chattel mortgage or contract of

conditional sale upon, any such vehicle, the disposition of which is provided for herein may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto or his lien thereon or reservation of title thereto, and if, upon public hearing thereon, due notice of which having been given to the district attorney, such claimant shall prove by competent evidence to the satisfaction of the court that said vehicle was lawfully acquired, possessed and used by him or if, it appearing that the vehicle was unlawfully used by a person other than the claimant, he shall prove that such unlawful use was without his knowledge or consent, then the court may order the same returned or delivered to said claimant; otherwise it shall be sold as hereinabove provided.

(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived. (Sec. 5, Act of July 3, 1941, P. L. 263.)

II. Sulfanilamide

84. Sale of Sulfanilamide. Prescriptions. Labels.—The drug known as sulfanilamide and any of its derivatives, preparations, or compounds of the same, except sulfathiazole-impregnated finger or small adhesive gauze bandages, shall not be sold at retail or dispensed to any person except upon the written prescription of a duly licensed physician, dentist or veterinarian, compounded or dispensed by a registered pharmacist or under the immediate personal supervision of a registered pharmacist; and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label bearing the name and address of the pharmacist, the date compounded, and the consecutive number of the prescription under which it is recorded in his prescription files, together with the name of the physician, dentist, or veterinarian prescribing it: Provided, That the provisions of this section of this act shall not apply to a duly licensed physician, dentist, or veterinarian: Provided, however, That they keep a record of the amount of such drugs purchased and a dispensing record, showing the date, name of, the quantity of the drugs dispensed, and the name and address of the patient. No physician, dentist, or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label bearing the name and address of the dispenser, the date dispensed, the name and address of the patient, and the directions for the use of the drug by the patient. (Sec. 1, Act of May 12, 1939, P. L. 133, reenacted and amended Apr. 8, 1949, P. L. 419.)

85. Possession by Manufacturer or Dealer.—No manufacturer, pharmacist, jobber, dealer in drugs, or any other person shall sell or have in his possession any sulfanilamide or its derivatives, preparations, or compounds of the same, unless the container bears a label, securely attached thereto, stating conspicuously the specific name of the drug,

and the proportion of amount thereof. Such label shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription, or dispensed by a physician, dentist, or veterinarian, and the container is labeled in the manner described in section one hereof. (Sec. 2, Act of May 12, 1939, P. L. 133, reenacted and amended Apr. 8, 1949, P. L. 419.)

86. Enforcement.—The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania, and for that purpose, the Secretary of Health is hereby authorized to make such rules and regulations as may be deemed necessary for the proper enforcement of this act. (Sec. 3, Act of May 12, 1939, P. L. 133, as reenacted and amended by Act of April 8, 1949, P. L. 419.)

87. Exceptions.—Except as hereinafter provided, the provisions of this act shall not apply to processors, vendors, dispensers, or purchasers of products for animals or poultry, containing sulfanilamide or its derivatives, preparations or compounds for the prevention or treatment of diseases of said animals or poultry: Provided, however, That the procurement and use of such products shall be subject to rules and regulations promulgated and issued by the Secretary of Health to aid in the enforcement of this act. (Sec. 3, Act of May 12, 1939, P. L. 133, added April 8, 1949, P. L. 419.)

88. Penalties and Personal Liability.—Any person who shall violate or fail to comply with any of the provisions of this act, shall be guilty of a misdeameanor, and, upon conviction, shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00) for the first offense; not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense; and not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for the third and each subsequent offense. If the violation is by a corporation, copartnership, or association, the officers and directors of such corporation, or the members of such copartnership or association, their agents and employes with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally. (Sec. 4, Act of May 12, 1939, P. L. 133, reenacted and amended April 8, 1949, P. L. 419.)

III. Penicillin

89. Sale of Penicillin; Prescriptions; Labels.—The drug known as penicillium (penicillin) and any of its derivatives, preparations or compounds of the same except penicillin teat dilators and veterinarian ointment for mastitis and penicillium (penicillin) its derivatives, preparations and compounds when contained in animal or poultry feed supplements used by feed manufacturers in preparing animal or poultry feeds not intended for human consumption shall not be sold at retail or dispensed to any person, except upon the written

prescription of a duly licensed physician, dentist, or veterinarian, compounded or dispensed by a registered pharmacist, or under the immediate personal supervision of a registered pharmacist, and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the pharmacist, the date compounded, and the consecutive number of the prescription under which it is recorded in his prescription files, together with the name of the physician, dentist, or veterinarian prescribing it: Provided, That the provisions of this section of this act shall not apply to a duly licensed physician, dentist, or veterinarian: Provided, however, That they keep a record of the amount of such drugs purchased and a dispensing record showing the date, name and the quantity of the drugs dispensed, and the name and address of the patient. No physician, dentist, or veterinarian shall dispense any such drug without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the dispenser, the date dispensed, the name and address of the patient and the directions for the use of the drug by the patient. (Sec. 1, Act of April 26, 1945, P. L. 318, last amended July 25, 1953, P. L. 595.)

90. Possession; Labels.—No manufacturer, pharmacist, jobber, dealer in drugs, or any other person, shall sell or have in his possession any penicillium (penicillin), or its derivatives, preparations or compounds of the same, unless the container bears a label securely attached thereto stating conspicuously the specific name of the drug and the proportion of amount thereof. Such label shall not be necessary when such drug is dispensed by a pharmacist upon a prescription, or dispensed by a physician, dentist, or veterinarian and the container is labeled in the manner described in section one hereof. (Sec. 2, Act of April 26, 1945, P. L. 318.)

91. Enforcement.—The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania and, for that purpose, the Secretary of Health is hereby authorized to make such rules and regulations as may be deemed necessary for the proper enforcement of this act. (Sec. 3, Act of April 26, 1945, P. L. 318, amended April 21, 1949, P. L. 710, No. 173.)

92. Penalties.—Any person who shall violate or fail to comply with any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00), nor more than fifty dollars ($50.00), for the first offense; not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense; and not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00) for the third, and each subsequent offense. If the violation is by a corporation, copartnership or association, the officers and directors of such corporation, or the members of such copartner-

ship or association, their agents and employes with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally. (Sec. 4, Act of April 26, 1945, P. L. 318.)

IV. Hypnotic Drugs

93. Definitions.—The following words and phrases shall, for the purpose of this act, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning.

"Hypnotic drug" shall mean the drugs, known as barbital and the salts of barbituric acid, also known as malonylurea, or any derivative or compounds, or any preparations or mixtures thereof, possessing hypnotic properties or effects.

"Other hypnotic drug, or analgesic drug, or body-weight reducing drug," shall be held to mean and include sulphonethylmethane (Trional), or sulphonmethane (Sulphonal), or diethylsulphon diethylmethane (Tetronal), or bromdiethylacetylcarbamide (Carbromal), by whatever name they may be known; or paraldehyde, or any derivatives or compounds or preparations or mixtures thereof, possessing hypnotic properties or effects; and chloral or chloralhydrate or chlorbutanol, or any compounds or mixtures thereof possessing hypnotic properties or effects; or phenylcinchoninic acid (Cinchopen), an analgesic anti-rheumatic drug, or any derivative or compound including Atophan and Atoquinol or dinitrophenol, a metabolic accelerator body-weight reduction drug, or any dinitro compounds including dinitrophenol sodium, and dinitrocresol sodium, Amphetamine (Benzedrine), and Thyroid, when the drugs herein defined or any derivatives or compounds or mixtures or preparations thereof. (Sec. 1, Act of July 18, 1935, P. L. 1303, amended May 2, 1945, P. L. 380.)

94. Sale; Prescriptions; Labels; Record.—No hypnotic drug or analgesic or body-weight reduction drug as defined herein, shall be sold at retail or dispensed to any person except upon the written prescription of a duly licensed physician, dentist, or veterinarian, compounded or dispensed by a registered pharmacist or under the immediate personal supervision of a registered pharmacist; and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label bearing the name and address of the pharmacist, the name and address of the patient, the date compounded, and the consecutive number of the prescription under which it is recorded in his prescription files, together with the name of the physician, dentist, or veterinarian prescribing it: Provided, That the provisions of this section of this act shall not apply to a duly licensed physician, dentist, or veterinarian: Provided, however, That they keep a record of the amount of such drugs purchased and a dispensing record showing the date, name of, the quantity of

the drugs dispensed, and the name and address of the patient. No physician, dentist, or veterinarian shall dispense any such drugs without affixing to the container in which the drug is sold or dispensed, a label bearing the name and address of the dispenser, the date dispensed, the name and address of the patient, and the directions for the use of the drug by the patient.

Sprays, eye lotions, toothache drops, liniments, inhalers, and external preparations, not including vaginal or rectal remedies, may be sold at retail, provided that such compound or mixture or preparation intended as a spray, eye lotion, toothache drops, liniment, inhalers, or external application shall contain in addition to the content of Chlorbutanol, or other drug defined under this act, some other drug or drugs conferring upon it medicinal qualities other than those possessed by the drug used as specified in this act, and that such compounds or mixtures or preparations shall be sold in good faith for the purpose for which they are intended, and not for the purpose of evading the provisions of this act. (Sec. 2, Act of July 18, 1935, P. L. 1303, last amended June 10, 1947, P. L. 507.)

95. Contents of Label.—No manufacturer, pharmacist, jobber, dealer in drugs, or any other person shall sell or have in his possession any hypnotic drug or analgesic drug or body-weight reduction drug defined herein, unless the container bears a label, securely attached thereto, stating conspicuously the specific name of the barbital, or other hypnotic drug, or analgesic drug, or body-weight reduction drug, and the proportion of amount thereof. Such label shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription, or dispensed by a physician, dentist, or veterinarian, and the container is labeled in the manner described in section two hereof. (Sec. 3, Act of July 18, 1935, P. L. 1303.)

96. Enforcement; Rules and Regulations.—The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania, and for that purpose the Secretary of Health is hereby authorized to make such rules and regulations as may be deemed necessary for the proper enforcement of this act, and to employ such assistants and employes as, in said Secretary of Health's opinion, may be necessary, and to fix their compensation. (Sec. 4, Act of July 18, 1935, P. L. 1303.)

97. Penalties.—Any person who shall violate or fail to comply with any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not [less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00)] more than one thousand dollars ($1000) for the first offense [not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for the second offense; and not less than one hundred dollars ($100.00) for the third and each subsequent offense]; and not less than one thousand dollars ($1000) nor more than two thousand dollars ($2000) for the second and each subsequent offense. If

the violation is by a corporation, copartnership, or association the officers and directors of such corporation, or the members of such copartnership or association, their agents and employes with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally. (Sec. 5, Act of July 18, 1935, P. L. 1303, amended June 10, 1947, P. L. 507.)

V. Venereal Diseases

98. Advertisements for Treatment and Cure of Diseases of the Generative Organs. Sales Prohibited; Penalties.—The Department of Health shall formulate rules and regulations concerning the advertisement of treatment, prophylaxis, diagnosis and/or cure of diseases of the generative organs or of venereal diseases.

Sale of drugs or other remedies for the treatment of such diseases is prohibited, except under the prescription of duly licensed physicians of the Commonwealth.

Whoever wilfully violates any provision of this act shall, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not less than fifty dollars ($50), nor more than two hundred dollars ($200), with all costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for a period of not less than thirty days nor more than sixty days. (Secs. 8, 9 and 12 of the Act of May 16, 1945, P. L. 577.)

Note: See also sections 119 and 120 infra.

PART THREE

LAWS ADMINISTERED BY DEPARTMENT OF AGRICULTURE

Insecticides and Fungicides

99. "Insecticide" and "Fungicide" Defined.—The term "insecticide" as used in this act, shall include any substance, or mixture of substances, intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man, or animals, or households, or to be present in any environment whatsoever. The term "Paris green," as used in this act, shall include the product sold in commerce as Paris green, and chemically known as the aceto-arsenite of copper. The term "lead arsenate," as used in this act, shall include the product or products sold in commerce as lead arsenate, and consisting chemically of products derived from arsenic acide (H_3AsO_4), by replacing one or more hydrogen atoms by lead.

The term "fungicide" as used in this act, shall include any substance, or mixture of substances, intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation, or be present in any environment whatsoever. (Sec. 5, Act of May 17, 1917, P. L. 224.)

100. "Adulteration" Defined.—For the purpose of this act, an article shall be deemed to be adulterated:

In the case of Paris green,—first, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

In the case of lead arsenate,—first, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxid (As_2O_5); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxid (As_2O_5); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: Provided, however, That extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

In the case of insecticides or fungicides other than Paris green and lead arsenate,—first, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation, and shall con-

tain any substance or substances which, although preventing, destroying, repelling, or mitigating insects or fungi, shall be injurious to such vegetation when used. (Sec. 6, Act of May 17, 1917, P. L. 224.)

101. "Misbranding" Defined.—The term "misbranded" as used herein, shall apply to all insecticides, Paris green, lead arsenates, or fungicides, the package, label, or accompanying descriptive circulars of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular; and to all insecticides, Paris green, lead arsenates, or fungicides, which are falsely branded as to the State, Territory, or country, in which they are manufactured or produced.

That, for the purpose of this act, an article shall be deemed to be misbranded:

In the case of insecticides, Paris green, lead arsenates, and fungicides,—first, if it be an imitation, or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; third, if the quantity of the contents be not plainly and correctly marked on the outside of the package, in terms of weight, measure, or numerical count.

In the case of insecticides (other than Paris green, and lead arsenates) and fungicides,—first, if it contains arsenic in any of its combinations or in the elemental form, and the total amount of arsenic present (expressly as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form, and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consist, partially or completely, of an inert substance, or substances, which do not effectively prevent, destroy, or repel insects or fungi, and does not have the names and percentage amounts of each and every one of such inert ingredients, and the fact that they are inert, plainly and correctly stated on the label: Provided, however, That in lieu of naming and stating the percentage amount of each and every inert ingredient, the producer may, at his discretion, state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the insert ingredients, except in so far as to state the total percentage of inert ingredients present. (Sec. 7, Act of May 17, 1917, P. L. 224.)

102. Adulteration and Misbranding Prohibited.—It shall be unlawful for any person to manufacture, sell, or offer for sale, within the Commonwealth, any insecticide or fungicide which is adulterated or misbranded, within the meaning of this act. (Sec. 1, Act of May 17, 1917, P. L. 224.)

Note: Sec. 4 of the same act defined "person" to include corporations, companies, societies, associations, partnerships or any individual or combination of individuals.

103. Misrepresentation of Qualities Prohibited.—It shall be unlawful for any person to defraud any other person by misrepresenting the value of any insecticide, fungicide, or other treatment, applied to trees, shrubs, vines, or other plant material, or to any animal, for preventing, destroying, repelling, or mitigating any insect, fungus, or bacterial disease, or for accelerating its growth or productive power; and it shall be unlawful for any person to sell any such insecticide, fungicide, or treatment, in any quantity, without giving to the purchaser thereof printed directions, either on the label or in an accompanying statement, stating the strength and time to use the same and any other information necessary for the success of such treatment. (Sec. 2, Act of May 17, 1917, P. L. 224, amended Apr. 24, 1931, P. L. 44, No. 35.)

104. Manufacturers and Importers of Insecticides and Fungicides to Register.—Every person manufacturing insecticides or fungicides in this Commonwealth, and either the person manufacturing any insecticide or fungicide outside of this Commonwealth or the person importing the same into this State for the purpose of reselling the same on or before the first day of January of each year, or before selling, offering, or exposing for sale such insecticides or fungicides, shall register and file with the Secretary of Agriculture a certified statement of the names and number of each kind or brand of such insecticides or fungicides that he or they shall manufacture, import, or offer for sale during the next ensuing year, and such additional information concerning the same as the Secretary of Agriculture may require; and he or they shall pay to the Secretary of Agriculture the sum of five dollars ($5.00) for each kind or brand of such insecticide or fungicide so registered: Provided, That every person registering five kinds or brands of insecticides or fungicides, and paying to the Secretary of Agriculture the sum of five dollars ($5.00) for each, may register additional kinds or brands for the sum of one dollar ($1.00) for each insecticide or fungicide: Provided, further, That selling agents and retailers, when selling insecticides or fungicides registered by manufacturers or importers, shall not be required to effect additional registration for such brands. All moneys so registered shall be immediately paid by the Secretary of Agriculture into the general fund of the State Treasury.

The Secretary of Agriculture may refuse to register any kind or brand of insecticide or fungicide, and he may revoke any registration which shall have been accepted when such kind or brand has been found to be adulterated, misbranded, or to have little or no value for the purpose for which it is intended to be used.

It shall be unlawful for any person to sell, offer, or expose for sale any insecticide or fungicide that is not properly registered under the provisions of this section. (Sec. 5 (a), Act of May 17, 1917, P. L. 224, added April 4, 1925, P. L. 136 and amended May 25, 1939, P. L. 221.)

105. Enforcement.—The Secretary of Agriculture shall promulgate uniform rules and regulations for enforcing this act, including the collection and examination, by existing bureaus, of insecticides and fungicides, manufactured or offered for sale in the Commonwealth, for the purpose of determining whether such articles are adulterated or misbranded within the meaning of this act, or if such insecticides or fungicides do not comply with any provision of this act. (Sec. 3, Act of May 17, 1917, P. L. 224, amended June 12, 1941, P. L. 124, No. 64.)

106. Violations; Penalties.—Any person who shall violate any of the provisions of this act, or any rule, regulation or order promulgated by the Secretary of Agriculture, pursuant to this act, shall, upon conviction thereof, for a first or second offense in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars, nor more than one hundred dollars, and cost of prosecution, and, in default of payment of such fine and costs, an individual, the members of a partnership or the responsible officers or agents of a corporation shall be sentenced to undergo imprisonment for not more than thirty days; and for a third or subsequent offense shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than three hundred dollars nor more than six hundred dollars, or in the case of individuals, members of a partnership and the responsible officers and agents of an association or corporation to undergo imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court. (Sec. 9, Act of May 17, 1917, P. L. 224, amended May 25, 1939, P. L. 221.)

107. Confiscation of Unlawful Products; Manufacture or Sale of Uncolored Poisonous Products Unlawful.—(a) That any insecticide or fungicide that is condemned as being adulterated or misbranded, within the meaning of this act, or otherwise failing to comply with the provisions of this act, shall be confiscated and disposed of by destruction, or in such other manner as the court may direct.

(b) That it shall be unlawful to manufacture, sell, offer to sell, or possess for sale within the Commonwealth, any white powdered insecticide or fungicide highly toxic to man unless insecticide or fungicide is distinctly colored. (Sec. 8, Act of May 17, 1917, P. L. 224, amended June 12, 1941, P. L. 124, No. 64.)

PART FOUR

MISCELLANEOUS LAWS

I. Caustic Acids and Alkalies

108. "Caustic" Defined.—The word "caustic" shall, within the intent and purpose of this act, be construed to mean any acids or alkalies in liquid or powdered form, or preparations thereof, or containing free or chemically unneutralized hydrochloric acid in a concentration of ten (10) per centum, or sulphuric acid in a concentration of ten (10) per centum, or nitric acid in a concentration of five (5) per centum, or carbolic acid (phenol) in a concentration of five (5) per centum, or oxalic acid in a concentration of ten (10) per centum, or acetic acid in a concentration of twenty (20) per centum or hypochlorous acid (calx chlorinata, bleaching powder, or chloride of lime) in a concentration of one hundred per centum (100), or potassium hydrate (caustic potash, Vienna paste, pearlash, potassa carbonas) in a concentration of ten (10) per centum, or sodium hydrate (caustic soda, concentrated lye) in a concentration of twenty (20) per centum, or silver nitrate (lunar caustic) in a concentration of five (5) per centum. (Sec. 2, Act of May 7, 1923, P. L. 139.)

109. Regulation of Sales; Labels.—On and after the first day of January, one thousand nine hundred and twenty-four, it is unlawful for any person or copartnership or corporation to sell, at wholesale or retail, within this Commonwealth, any caustic acids or caustic alkalies, or preparations containing such acids or alkalies, intended for household use, or mineral or chemical salts for agriculture purposes, without affixing to the bottle, box, vessel, sack, or package containing the same, a label printed or plainly written, containing the name of the article, the name and place of business of the manufacturer, seller, or distributor of such household acids, alkalies, or preparations thereof, and in addition the word "Poison" which shall conspicuously appear thereon in capital letters, not less than twenty-four point size, or which shall be affixed thereto as a sticker, conspicuously placed: Provided, That in the case of mineral or chemical salts, including nitrate of soda, sulphate of ammonia, muriate of potash, sulphate of potash, intended or sold for agriculture purposes, the sacks, packages, or other containers, or attached cards or labels, shall have printed thereon, as hereinbefore provided, the words "Poisonous to live stock." (Sec. 1, Act of May 7, 1923, P. L. 139.)

110. Penalties.—Any person or copartnership or corporation violating section one of this act of Assembly is guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not more than one hundred dollars and the costs of prosecution. (Sec. 3, Act of May 7, 1923, P. L. 139.)

II. Products Containing Methyl or Wood Alcohol

111. Sales for Internal or External Use Prohibited.—Whoever sells, or offers or exposes for sale, or has in his possession with intent to distribute or sell, any food, drug, preparation, or mixture of any kind, intended for internal use, which contains methyl or wood alcohol, or sells or offers or exposes for sale, or has in his possession with intent to sell or distribute, or use upon or apply to the body of another, any drug, hair tonic, bay rum, or similar preparation, intended for external use, which contains methyl or wood alcohol, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo imprisonment not exceeding one (1) year, or both.

This section does not apply to veterinary remedies containing methyl or wood alcohol, when such remedies are plainly labeled in such a manner as to indicate that they are intended solely for external use on animals, nor does this section apply to medicated liniments used for external use. (Sec. 637, act of June 24, 1939, P. L. 872.)

III. Ethyl Alcohol

112. "Alcohol" Defined.—"Alcohol" shall mean ethyl alcohol of any degree of proof originally produced by the distillation of any fermented liquid, whether rectified or diluted with or without water, whatever may be the origin thereof, and shall include synthetic ethyl alcohol, but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage purposes. (Definition from Sec. 102, Act of April 12, 1951, P. L. 90.)

113. License Required.—Except as otherwise provided in this article, and except as otherwise provided in article four as to malt and brewed beverages, it shall be unlawful for any person without a license obtained under provisions of this article to hold in storage as bailee for hire, or transport for hire, any malt or brewed beverage, or to manufacture, produce, distill, develop or use in the process of manufacture, denature, redistill, recover, rectify, blend, reuse, hold in bond, hold in storage as bailee for hire, or transport for hire, within this Commonwealth, any alcohol or liquor, except that a person may manufacture wine out of grapes grown in Pennsylvania by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification and sell the same to a licensed winery. (Sec. 501, Act of April 12, 1951, P. L. 90.)

114. Exemptions. No License Required of Registered Pharmacists.—No license hereunder shall be required from any registered pharmacist; or a physician licensed by the State Board of Medical Education and Licensure; or any person who makes and sells vinegar, nonalcoholic cider and fruit juices; or any person who manufactures, stores, sells

or transports methanol, propanol, butanol and amanol; or any person who conducts a wholesale drug business; or any person who manufactures alcoholic preparations not fit for use as a beverage, other than denatured alcohol or for beverage purposes; any person engaged in the manufacture; possession or sale of patent, patented or proprietary medicines, toilet, medicinal or antiseptic preparations unfit for beverage purposes, or solutions or flavoring extracts or syrups unfit for beverage purposes; or any person who manufacturers or sells paints, varnishes, enamels, lacquers, stains or paint, or varnish removing or reducing compounds, or wood fillers; or any person who manufactures any substance where the alcohol or any liquor is changed into other chemical substances and does not appear in the finished product as alcohol or liquor; or any common carrier by railroad which is subject to regulation by the Pennsylvania Public Utility Commission of the Commonwealth of Pennsylvania, or scheduled common carriers by air of mail and passengers; or any person who sells, stores or transports alcohol or liquor completely denatured, as specified by the board. (Sec. 502, Act of April 12, 1951, P. L. 90.)

Note: Sale of alcohol is prohibited by Article IV of this act. Only right the pharmacist is given here is to have and use alcohol in the course of his business.

IV. Distribution of Samples

115. Distribution of Samples of Medicine or Candy Prohibited; Penalties.—Whoever deposits, casts, throws, or places any package, parcel, or sample of any medicine or candy in or upon any house, building, porch, veranda, portico, or any other part of any house or building, or in or upon any lawn, yard, land, street, or public highway, is guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars ($100), or undergo imprisonment not exceeding three (3) months, or both. (Sec. 657, Act of June 24, 1939, P. L. 872.)

116. Distribution of Trial Samples of Medicines, Dyes, Etc., to Children Prohibited.—Whoever distributes any free or trial samples of any medicines, dyeing, ink, coloring or polishing compounds, in any form of preparation, upon the ground, sidewalks, porches, into yards, or into or under doors or windows, or in any way or manner, that children may get possession of or secure the same, is guilty of a misdemeanor, and shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars ($50), and in default of the payment of the fine, and costs, shall be sentenced to imprisonment not exceeding (30) days.

Nothing contained in this section shall prohibit such distribution to adult persons only. (Sec. 658, Act of June 24, 1939, P. L. 872.)

V. Prohibited Sales

117. Sales by Vending Machines.—Whoever offers for sale or sells or distributes any medicine, drug, poison, or article intended for external or internal use in the cure, mitigation, treatment or prevention of disease in man or animal, through or by means of any vending machine or other mechanical device, or uses any vending machine in or for the sale or distribution of any medicine, drug, poison or article intended for external or internal use in the cure, mitigation, treatment or prevention of disease in man or animal, is guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or to undergo imprisonment not exceeding one (1) year, or both.

The term "drug," as used in this section, shall mean all medicinal substances and preparations recognized in the United States Pharmacopoeia and National Formulary, or any supplements thereto, and all substances and preparations intended for external or internal use in the cure, mitigation, treatment or prevention of disease in man or animal, and all substances and preparations that contain medicinal or quasi-medicinal preparations, such as those sold or produced primarily for their vitamin content, intended to affect the structure or any function of the body of man or animal. (Sec. 659, Act of June 24, 1939, P. L. 872.)

118. Sale of Poisons.—Whoever sells or disposes of by retail, any morphia, strychnia, arsenic, prussic acid, carbolic acid, or corrosive sublimate, except upon the prescription of a physician, or on the personal application of some respectable inhabitant, of full age, of the town or place in which such sale shall be made, or without carefully and legibly marking or placing upon the label, package, bottle, or other vessel or thing in which such poison is contained, the word poison, or unless, when sold or disposed of otherwise than under the prescription of a physician, the apothecary, druggist, or other person selling or disposing of the same, notes in a register kept for that purpose, the name and residence of the person to whom such sale was made, the quantity sold, and the date of such sale, is guilty of a misdemeanor, and on conviction, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo an imprisonment not exceeding one (1) year, or both. (Sec. 639, Act of June 24, 1939, P. L. 872.)

VI. Prohibited Advertising

119. Advertising Treatment of Generative Organs.—Whoever advertises himself as being engaged in the business or profession of treating diseases of the generative organs of either sex, or operates a printing establishment and inserts such advertisement in any publication issued by such printing establishment, is guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding

five hundred dollars ($500), or to imprisonment for a period not exceeding one (1) year, or both. (Sec. 526, Act of June 24, 1939, P. L. 872.)

Note: See also sec. 98 supra.

120. Medicines, Etc., to Procure Abortion or Prevent Conception.— Whoever prints or publishes, or causes to be printed or published, in any newspaper, pamphlet, book or circular, any advertisement of, or sells or keeps for sale, or gives away or publishes an account or description of, or by writing, publishes or circulates any notice of any secret drug, nostrum, medicine, recipe or instrument, purporting to be for the use of females for the purpose of preventing conception, or procuring abortion or miscarriage, is guilty of a misdemeanor, and shall upon conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo imprisonment not exceeding one (1) year, or both.

Nothing contained in this section shall be construed to apply to teaching in regular chartered medical colleges, or the publication of standard medical books. (Sec. 525, Act of June 24, 1939, P. L. 872.)

Note: See also sec. 98 supra.